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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,284	07/19/2001	Joseph M. Dewig	5723-68359	2204

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EXAMINER

HAMDAN, WASSEEM H

ART UNIT PAPER NUMBER

2854

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,284

Applicant(s)

DEWIG ET AL.

Examiner

Wasseem H Hamdan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 3, lines 9-10, "Fig. 1" should be referred to as "Prior Art".

Appropriate correction is required.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5-9, 14, 18, 19, 24, 25, 28, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodside, III (US Patent 5,425,823) in view of Horth et al. (US Patent 5,970,865).

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Regarding claims 1, 14, 18, 19 and 24 Woodside, III discloses an apparatus for applying a label to an object such as a container or cup [FIGS. 1 and 5-8; column 2, lines 56-66], the apparatus comprising:

a printer [FIG. 7 (32),

a label applicator coupled to the printer [FIG. 7 (38),

a holder configured to engage the object and move the object relative to the printer and the label applicator [FIGS. 1 and 5-8; column 2, lines 67-68; column 3, line 1], the label applicator configured to apply a label when the object is disposed near the label applicator [FIGS. 1 and 5-8; column 2, lines 67-68; column 3, line 1], and

a control system coupling the printer and the label applicator to coordinate the printing of the object [FIGS. 5 and 6 (54)].

Regarding claims 1, 2, 14, 18, 19, 24 and 25 Woodside, III discloses the essential elements of the claimed invention except for the printer configured to print an image on a surface of the object when the object is disposed near the printer. Horth et al. discloses the printer configured to print an image on a surface of the object when the object is disposed near the printer [FIG. 1; column 1, lines 15-25; column 5, lines 51-61]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Woodside, III by including the printer configured to print an image on a surface of the object when the object is disposed near the printer, since printing an image on a surface of the object when the object is disposed near the printer would be beneficial for the purpose of promote sales and or provide additional information.

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Regarding claims 2 and 28 Woodside, III discloses a system that “prints either alphanumeric indicia, bar codes or other desired visual indicia on the label. The movement of the individual product units is coordinated with a corresponding label, and the label is applied to the product unit by means of a combined vacuum and air jet head.” [FIG. 7 (STATION #1; STATION #2)]. As explained in the section above, that Woodside, II does not disclose that the label is applied to the object at substantially the same time that the image is printed on the surface of the object, but Woodside discloses a system that capable to print two labels in parallel (at the same time). It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Woodside, III by including that the label is applied to the object at substantially the same time that the image is printed on the surface of the object, since that the label is applied to the object at substantially the same time that the image is printed on the surface of the object would be beneficial for the purpose of expediting production and process time.

Regarding claims 5 and 6, Woodside, III discloses the label applicator includes means for removing the label from a backing prior to application of the label to the object [column 1, lines 14-15; 24-25; column 2, lines 20-30].

Regarding claims 7 and 8, Woodside, III discloses wherein the retaining means retains the label with vacuum pressure [column 3, lines 64-66; FIGS 2 and 4].

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Regarding claim 9, Woodside, III discloses wherein the retaining means includes a valve means for supplying sufficient air flow to position and move the label [column 4, lines 4-11; FIGS 2 and 4].

Regarding claim 29, Woodside, III discloses the combination of a container printer [FIG. 7 (32)] and a label applicator [FIGS 7 and 8 (38); column 2, lines 56-66; column 3, lines 17-28] configured to apply a label at a prescribed area of each container [FIG. 1].

Regarding claim 29 Woodside, III discloses the essential elements of the claimed invention except for each container having an axis about which it rotates, the printer comprising a printing head and container feeder configured to present each container to the printing head with each container rotating about its own axis adjacent the printing head. Horth et al. discloses each container having an axis about which it rotates, the printer comprising a printing head and container feeder configured to present each container to the printing head with each container rotating about its own axis adjacent the printing head [FIG. 1; column 2, lines 2, lines 44-52]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Woodside, III by including each container having an axis about which it rotates, the printer comprising a printing head and container feeder configured to present each container to the printing head with each container rotating about its own axis adjacent the printing head, since each container having an axis about which it rotates would be beneficial for the purpose of having the printing material printed on the proffered position and speeds up production in the assembly line.

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Regarding claim 30, Woodside, III discloses a control system for coordinating the presentation of each container to the printing head with the application of a label [FIGS. 5 and 6 (54)].

5. Claims 3, 4, 10-13, 15-17, 20-23, 26, 27 and 31-33, are rejected under 35 U.S.C. 103(a) as being unpatentable Woodside, III (US Patent 5,425,823) in view of Horth et al. (US Patent 5,970,865) as applied to claims 1, 2, 5-9, 14, 18, 19, 24, 25, 28, 29 and 30 above, and further in view of McCoy et al. (US Patent 6,257,136 B1).

Regarding claims 3, 4, 10, 11, 15, 16, 20, 26, 27 and 31-33 Woodside, III and Horth et al. together disclose the essential elements of the claimed invention except for the control system includes a programmable limit switch coupled to the printer. McCoy et al. discloses that the control system includes a programmable limit switch coupled to the printer [FIG. 21 (232); column 13, lines 40-67; column 14, lines 1-3]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of Woodside, III by including a programmable limit switch coupled to the printer, since McCoy et al. teaches a programmable limit switch coupled to the printer would be beneficial to provide a plurality of discrete electrical output control signals each designed to provide electrical control of diverse machine elements at preselected intervals during each machine cycle of a decorator.

Regarding claims 12, 13, 17, 20-23, 26 and 27 it is a functional means for the claimed apparatus, which the system is capable to do the same function, by using the programmable limit switch which it is taught as discussed above McCoy et al.

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Regarding claims 20-23, 26 and 27, according to "IEEE Standard Dictionary of Electrical and Electronics Terms" page 355 (right column), "encoder: a system in which only one input is excited at a time and each input produces a combination of outputs", and according to Rockwell article about "Programmable Limit Switch (PLS)" (is incorporated herein by reference), page 2, that one of the PLS functions is to" control outputs for press automation synchronized with the rotational position of the press crankshaft as monitored by a resolver input (function of PLS), therefore, the PLS taught by McCoy et al. can and will do the same function as the encoder claimed in claim 20.

Regarding claims 32 and 33 it is a functional means for the claimed apparatus, which the system of McCoy et al. is capable to do the same function, by using the programmable limit switch, which it is taught as discussed above McCoy et al.

Regarding claims 32 and 33, according to Rockwell article about "Programmable Limit Switch (PLS)" (is incorporated herein by reference), page 2, that one of the PLS functions is to" control outputs for press automation synchronized with the rotational position of the press crankshaft as monitored by a resolver input (function of PLS), therefore, the PLS taught by McCoy et al. can and will do the same function as the cycle status and communication relative position claimed in claims 32 and 33.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H Hamdan whose telephone number is (703) 305-3968. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0956.



Wasseem H. Hamdan
July 10, 2003



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